

### **REMARKS/DISCUSSION OF ISSUES**

By this Amendment, Applicant amends claims 11-14 and 16. Accordingly, claims 1-20 are pending in the application.

Applicant acknowledges the indication that claims 4, 5, 9, 10 and 20 define patentable subject matter and would be allowable if rewritten in independent form including all features of their respective base claims and any intervening claims from which they depend.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

#### **35 U.S.C. § 101**

The Office Action rejects claims 11-16 under 35 U.S.C. § 101.

Without agreeing with or acquiescing to the reasons for the rejections of claims 11-16, and simply to advance prosecution of this application to an early allowance, Applicant amends claims 11-14 and 16 to specifically tie the claimed methods to another statutory class ("manufacture") that accomplishes the claimed method.

Accordingly, Applicant respectfully requests that the rejections of claims 11-16 under 35 U.S.C. § 101 be withdrawn.

#### **35 U.S.C. § 103**

The Office Action rejects claims 1-3, 6-8, 11-13, and 16-19 under 35 U.S.C. § 103 over Birru et al. U.S. Patent 7,111,221 ("Birru") in view of Choi et al. U.S. Patent 7,111,221 ("Choi").

Birru has an earliest publication date of 19 December 2002.

The present application has a priority date of 4 November 2002.

Therefore Birru only qualifies as prior art under 35 U.S.C. § 102(e).

Meanwhile, 35 U.S.C. § 103(c)(1) provides that:

*"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."*

Here, both Birru and the present patent application were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to Koninklijke Philips Electronics, N.V.

Accordingly, Applicant respectfully requests that the rejections of claims 1-3, 6-8, 11-13, and 16-19 under 35 U.S.C. § 103 based on Birru be withdrawn.

### **CONCLUSION**

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-20 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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